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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,655	05/16/2001	Lawrence O'Gorman	264/243	1011

30423 7590 05/07/2003

STMICROELECTRONICS, INC.  
MAIL STATION 2346  
1310 ELECTRONICS DRIVE  
CARROLLTON, TX 75006

EXAMINER

AHMED, SAMIR ANWAR

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/07/2003

60

Please find below and/or attached an Office communication concerning this application or proceeding.

*[Handwritten signature]*

# Office Action Summary

Application No.

09/681655

Applicant(s)

Lawrence et al.

Examiner

S. Ahmed

Group Art Unit

2623

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed in** accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-26 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. Applicant did not respond to the objection to the drawings. No drawing changes proposal have been received.
2. Applicant did not respond to the requirement for a new oath or declaration. No new oath or declaration have been received.
3. Applicant has traversed previous restriction requirement. The traversal is on the ground(s) that previously-pending claims 4, 7, 10 and 12 were dependent claims and hence were not independent, so restriction of such claims was improper. This is not found persuasive because : Firstly, Applicant has previously elected without traverse Species I (claims 1-3, 5-6, 8-9, 11) in paper No. 5 and his election was acknowledged in paragraph 1 of the Office Action mailed 4/19/02, paper No. 6. Secondly, the restriction is an election of species, and claims 1 and 8 are generic claims that reads on all the species, dependant claims 2-3, 5-6 that depend from generic claim 1 reads on the species wherein a switch and spring are used for the mechanics of the sliding unit, also dependent claims 9, 11 that depend from generic claim 8 reads on the same species. This species is distinct from the species of for example dependant claim 7 that depend from generic claim 1 and claim 10 that depend from generic claim 8 because a switch and a motor are used for the mechanics of the sliding unit and as recited in the specification ( see page 8, line 11) and shown by the drawings either the spring or the motor can be used with the switch for the mechanics of the sliding unit (i.e. the species are mutually exclusive). Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed

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generic claim as provided by 37 CFR 1.141. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention. Thirdly, MPEP 802.01 is defining independent inventions in the context of subject matter (independent subjects). There nothing there that requires to restrict only independent claims in an election of species restriction.

The requirement is still deemed proper and is therefore made FINAL.

4. The amendment filed on 1/28/03 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because: claim 1 as amended, and newly added claims 21-24 are not readable on the elected invention of species I (original claims 1-3, 5-6, 8-9, 11) and they belong to non-elected species.

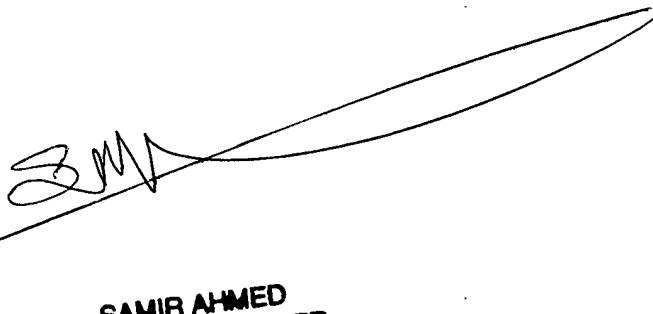
Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir Ahmed whose telephone number is (703) 305-9870. The examiner can normally be reached on M-F from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for this Group is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 303-3900.

SA

4/23/03



**SAMIR AHMED  
PRIMARY EXAMINER**